

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Jon J. Simon,

Plaintiff,

v.

Benchmark Association Services, Inc., et al.,

Defendants.

Case No.: 2:12-cv-2067-JAD-VCF

**Order Instructing the Clerk of Court to  
Enter Default for Failure to Comply  
with the Court's Order to Show Cause  
[Doc. 12]**

On December 4, 2012, *Pro se* Plaintiff Jon J. Simon sued defendants Benchmark Association Services, Inc. and Alessi & Koenig, LLC, for alleged violations of the Fair Debt Collection Practices Act. Doc. 1. After being served with the complaint, defendants did not answer; on May 17, 2013, they moved for summary judgment. Doc. 8. Their motion was denied on September 12, 2014. Doc. 11.<sup>1</sup> On December 11, 2014, I ordered defendants to file and serve their responsive pleading by December 29, 2014, or otherwise show good cause why a clerk's entry of default should not be entered under Rule 55(a). Doc. 12. I cautioned defendants that "Failure to comply with this order or show good cause for non-compliance may result in a clerk's entry of default under Rule 55(a)." *Id.*

Under Rule 55(a), "When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Defendants' failure to "plead or otherwise defend" is shown through their failure to comply with the court's order by the December 29, 2014, deadline.

Accordingly, IT IS HEREBY ORDERED that the Clerk of Court shall enter default against Defendants Benchmark Association Services, Inc. and Alessi & Koenig, LLC.

DATED: January 7, 2015.

  
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Jennifer A. Dorsey  
United States District Judge

<sup>1</sup> This case was reassigned to me on August 9, 2013. Doc. 10 (minutes).